IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

RSA No.1824 of 2007

DATE OF DECISION: 26.7.2007

Baljit Singh ...Appellant

VERSUS

Mewa Singh and others ...Respondents

CORAM

HON'BLE MR.JUSTICE PERMOD KOHLI

PRESENT: Mr.V.K.Sandhir, Advocate for appellant

Permod Kohli (Oral)

CM No.5766-C/2007

This is an application for placing on record certified copy of the judgment dated 20.11.2006 passed by the trial court. The judgment is taken on record. CM disposed of.

RSA No.1824 of 2007

This Regular Second Appeal is directed against the concurrent findings of fact recorded by the courts below. In a suit filed by the respondents/plaintiffs for mandatory injunction for transferring the electric connection in favour of plaintiff no.1, the trial court observed that the present appellant who was defendant no.1 before the trial court had undertaken to transfer the electric connection by a written document executed on 26.3.1990. The existence and validity of the agreement was duly established. On the basis of the aforesaid document, the trial court decreed the suit and directed the present appellant to get the electric connection transferred in favour of the

plaintiff/respondent vide its judgment and decree dated 20.11.2006. The appeal preferred by the present appellant before the District Judge, Mansa remained unsuccessful having been dismissed vide judgment and decree dated 30.5.2007. The First Appellate Court concurred with the findings of fact recorded by the trial court. The only ground urged by the learned counsel for the appellant is that the suit for specific performance was required to be filed and not the suit for mandatory injunction. I am not impressed by this submission. There was unequivocal undertaking given by the present appellant through the medium of agreement dated 26.3.1990. There was no reciprocal promise to be performed by the plaintiff. Hence the suit for mandatory injunction is maintainable. No substantial question of law is involved in the present appeal.

In view of the above, I find no merit in this appeal which is accordingly dismissed.

(PERMOD KOHLI)
JUDGE

26.7.2007
MFK

NOTE:Whether to be referred to the Reporter or not:YES/NO